

1 WRIGHT, FINLAY & ZAK, LLP
Christina V. Miller, Esq.
2 Nevada Bar No. 12448
Jory C. Garabedian, Esq.
3 Nevada Bar No. 10352
Stephanie Garabedian, Esq.
4 Nevada Bar No. 9612
7785 W. Sahara Ave., Suite 200
5 Las Vegas, NV 89117
(702) 475-7964; Fax: (702) 946-1345
6 cmiller@wrightlegal.net
jgarabedian@wrightlegal.net
7 sgarabedian@wrightlegal.net
8

9 *Attorneys for Defendant PHH Mortgage Corporation*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 SFR INVESTMENTS POOL 1, LLC,

13 Plaintiff,

14 v.

15 PHH MORTGAGE CORPORATION; DOES
16 I through X; ROE BUSINESS ENTITIES I
17 through X, inclusive,

18 Defendants.
19

Case No.: 2:22-cv-00507-RFB-EJY

**ORDER GRANTING PHH
MORTGAGE CORPORATION'S
MOTION TO DISMISS**

20 On September 5, 2023, this Court held a hearing on Defendant PHH Mortgage Corporation's
21 ("PHH") renewed motion to dismiss ("Motion"). ECF No. 42. The Court, having considered the
22 arguments of counsel made at the hearing and the written submissions by both PHH and Plaintiff SFR
23 Investments Pool 1, LLC, and for good cause shown, grants the Motion and dismisses this action with
24 prejudice.

25 The Court bases its ruling on its conclusion that neither the Notice of Default nor the "Notice
26 of Intent to Accelerate" letter made the loan "wholly due" under NRS 106.240. *See LV Debt Collect,*
27 *LLC v. Bank of New York Mellon*, No. 84174, 2023 WL 5490314 (Nev. Aug. 24, 2023); *Daisy Tr. v.*
28 *Fed. Nat'l Mortg. Ass'n*, No. 21-15595, 2022 WL 874634, at *2 (9th Cir. Mar. 24, 2022).

ORDER

Based on the foregoing:

IT IS ORDERED that PHH's Motion is **GRANTED**, and this action is dismissed in its entirety and with prejudice.

IT IS FURTHER ORDERED that the preliminary injunction this Court issued on April 29, 2022, enjoining the Deed-of-Trust foreclosure sale, ECF No. 20, is vacated.

IT IS FURTHER ORDERED that the lis pendens recorded against the Property on March 9, 2022 (Instrument No. 202203090002349) is cancelled, which has the same effect as expungement of the original lis pendens pursuant to NRS 14.015(5). This Order may be filed with the Clark County Recorder's Office.

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED: December 18, 2023

Submitted by:

WRIGHT, FINLAY & ZAK, LLP

/s/ Jory C. Garabedian
Christina V. Miller, Esq.
Nevada Bar No. 12448
Jory C. Garabedian, Esq.
Nevada Bar No. 10352
Stephanie Garabedian, Esq.
Nevada Bar No. 9612
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117

*Attorneys for Defendant
PHH Mortgage Corporation*

Approved as to form and content by:

HANKS LAW GROUP

/s/ Karen L. Hanks
Karen L. Hanks, Esq.
Nevada Bar No. 9578
Chantel M. Schimming, Esq.
Nevada Bar No. 8886
Ana P. Murguia, Esq.
Nevada Bar No. 16284
7625 Dean Martin Drive, Suite 110
Las Vegas, Nevada 89139

*Attorneys for Plaintiff
SFR Investments Pool 1, LLC*